

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

M. S.,

Plaintiff,

v.

Case No. 20-11994

Hon. Denise Page Hood

ROCHESTER COMMUNITY
SCHOOL DISTRICT,
CARRIE LAWLER, NEIL DeLUCA,
AND KATHRYN HOUGHTALING,

Defendants.

AND,

J. O.,

Plaintiff,

v.

Case No. 21-12247

Hon. Denise Page Hood

ROCHESTER COMMUNITY
SCHOOL DISTRICT,
CARRIE LAWLER, NEIL DeLUCA,
AND KATHRYN HOUGHTALING,

Defendants.

**ORDER CONSOLIDATING CASES FOR PURPOSES OF DISCOVERY
AND DENYING MOTIONS TO AMEND (ECF Nos. 19, 40) AS MOOT**

On July 27, 2020, Plaintiff, a Rochester Community School District student filed suit in this Court alleging sexual molestation by Defendant Houghtaling, an instructor employed by the school district at the time of the events in question. *M. S. v. Rochester Community School District*, Case No. 20-11994 (ECF No. 1). On September 24, 2021, Plaintiff's attorney filed a second suit against the same Defendants on behalf of another student allegedly molested by the same instructor during the same time frame. *J.O. v. Rochester Community School District*, Case. No. 21-12247 (ECF No. 1). Although the alleged acts against each Plaintiff occurred at different times, they allege violations of the same federal and state laws. On October 6, 2021, the undersigned accepted reassignment of Case No. 21-12247 for the purpose of docket efficiency pursuant to L.R. 83.11(b)(2). Parties agree that the cases should be consolidated for the purposes of discovery.

Under Fed. R. Civ. P. 42(a), “[i]f actions before the court involve a common question of law or fact, the court may: (1) join for hearing or trial any or all matters at issue in the actions; (2) consolidate the actions; or (3) issue any other orders to avoid unnecessary cost or delay.” Plaintiffs’ legal basis for relief is identical. They both allege molestation by Defendant Houghtaling. They make identical claims against Defendants Lawler, DeLuca, and the Rochester Community School District.

While the alleged acts against each Plaintiff occurred on different occasions, the allegations would involve substantially overlapping discovery. Consolidation of the cases for purposes of discovery is therefore warranted.

Because the cases will be consolidated, Plaintiff's Motion for Leave to File First Amended Complaint, Case No. 20-11994 (ECF No. 19) and Motion for Immediate Consideration of Pending Motion for Leave to File First Amended Complaint to Add J.O. as a Party, *id.*, (ECF No. 40) are DENIED as MOOT.

Accordingly,

IT IS ORDERED that Case No. 20-11994 and Case No. 21-12247 are CONSOLIDATED for purposes of discovery under Fed. R. Civ. P. 42(a).

IT IS FURTHER ORDERED that Plaintiff's Motion for Leave to File First Amended Complaint, Case No. 20-11994 (ECF No. 19) is DENIED AS MOOT.

IT IS FURTHER ORDERED that Plaintiff's Motion for Immediate Consideration of Pending Motion for Leave to File First Amended Complaint to Add J.O. as a Party, Case No. 20-11994 (ECF No. 40) is DENIED AS MOOT.

s/Denise Page Hood
DENISE PAGE HOOD,
Chief Judge

DATED: 10/29/2021